



USD SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/19/08

MEMO ENDORSED

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

STEVE STAVRIDIS
Special Federal Litigation Division
(212) 788-8698
(212) 788-9776 (fax)

June 18, 2008

BY FAX: (212) 805-7949
Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Parnes v. City of New York et al., 08 CV 03010

Your Honor:

I am the attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant the City of New York (the "City") in the referenced action. I am writing to respectfully request an extension of defendants time to Answer the complaint as well as an adjournment of the initial conference scheduled for June 20, 2008. I have my adversary's consent to both of these requests.

This application is made for two reasons. First, I have been unable to speak with the police officer defendant in this action, Ava Williams, because she has been out on medical leave since about May 2, 2008 due to a serious accident she was involved in. I have sent several messages for Officer Williams to contact me through her command, however no response has been forthcoming.¹ Officer Williams was the arresting officer in this case, and her input is needed in order for this office to respond to the complaint. Officer William's written consent is also need before this office can represent her in this matter. See General Municipal Law § 50(k); Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985).

¹ Unfortunately, I didn't learn of the seriousness of Officer Williams's injury until recently and therefore delayed in requesting that she be contacted at her home.

*Time to respond
An adjournment extended
to July 19. Conference
adjourned from June
20 to July 18, 2008 at 10:45am
SO ORDERED
USDS
6-19-08*

Second, the parties have in the interim engaged in settlement discussions, and are optimistic that a pre-answer settlement can be reached in this case. The City has recently obtained certain medical records from plaintiff that will need to be evaluated before a final decision can be reached.

Based on the foregoing, it is respectfully requested that defendants' time to answer or otherwise respond to the complaint be extended to July 19, 2008, and that the initial conference be adjourned to a date thereafter that is convenient to the Court.

This is the City's second request for an enlargement of its time to answer the complaint and for adjournment of the initial conference.

Accordingly, it is respectfully requested that the Court grant the instant application.

Respectfully submitted,

/S/

Steve Stavridis
Special Federal Litigation Division

cc: Gerald Allen, Esq. -- By Fax: 212-221-6867